

**CLAYMONT**

115 North Third Street

**CITY**

Dennison, Ohio 44621

**SCHOOLS**

(740) 922-5478 • FAX (740) 922-7325

**ADMINISTRATION**

Thomas D. Robey, Superintendent  
 Jeffrey Walters, Treasurer  
 Linda Salom, Curriculum Director  
 Thomas Wolfe, Special Services Director

**BOARD OF EDUCATION**

Judy Welch, President  
 Charles Grandison, Vice President  
 Martha Campbell, Member  
 Donald Kuba, Member  
 Kenny Trimmer, Member

**RESOLUTION**

The Claymont Board of Education agrees to enter into a direct compensation agreement in lieu of tax payments with Commonwealth Industries, Inc. as part of a tax abatement agreement. The expansion in the amount of \$16,740,000.00 will be abated at 100% through the year 2009. The Claymont School District has agreed to the following direct payment schedule from Commonwealth Industries, Inc.:

April 1, 1999	\$ 10,000.00
August 1, 2000	\$ 30,000.00
August 1, 2001	\$ 30,000.00
August 1, 2002	\$ 30,000.00
August 1, 2003	\$ 30,000.00
August 1, 2004	\$ 30,000.00
August 1, 2005	\$ 30,000.00
August 1, 2006	\$ 30,000.00
August 1, 2007	\$ 30,000.00
August 1, 2008	\$ 30,000.00
August 1, 2009	\$ 30,000.00
Total Payment	\$310,000.00

As a result of this agreement, the Claymont Board of Education waives its right to notification through the enterprise zone and the Tuscarawas County Economic Development Council.

The Claymont School District has enjoyed a positive working relationship with Commonwealth Industries, Inc. and looks forward to building on the relationship through a school business partnership for the benefit of Claymont students and the community.

The Claymont Board of Education approves this agreement on January 12, 1999.

*Charles Grandison*  
 Claymont Board of Education President

*Jeffrey A. Walters*  
 Treasurer

Uhrichsville, Ohio 44683, located in Mill Township, Tuscarawas County, Ohio, to expand its manufacturing and warehousing capacity in the State of Ohio.

A.) In addition, Commonwealth industries will purchase and install new machinery and equipment as specified in Commonwealth Industries' Enterprise Zone Application.

B.) The PROJECT will involve a total investment by Commonwealth industries of Nine Million Five Hundred Thousand Dollars (\$9,500,000.00) in New Machinery & Equipment, Four Million Forty Thousand Dollars (\$4,040,000.00) in New Inventory and Three Million Two Hundred Thousand Dollars (\$3,200,000.00) in Additions/New Construction and Improvements to existing buildings. For a Total Project Investment by Commonwealth Industries of Sixteen Million Seven Hundred Thousand Dollars (\$16,700,000.00).

C.) The PROJECT will begin on or after February 1, 1999, and be completed by February 1, 2001.

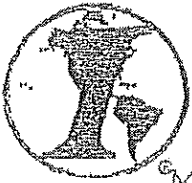
D.) The total investment of this project is greater than 10% of the market value of the facility assets already owned at the site prior to such expenditures as evidenced in Exhibit A.

2.) Commonwealth Industries, Inc.'s schedule for hiring is as follows: create twenty-seven (27) new full-time permanent jobs by March 31, 2000.

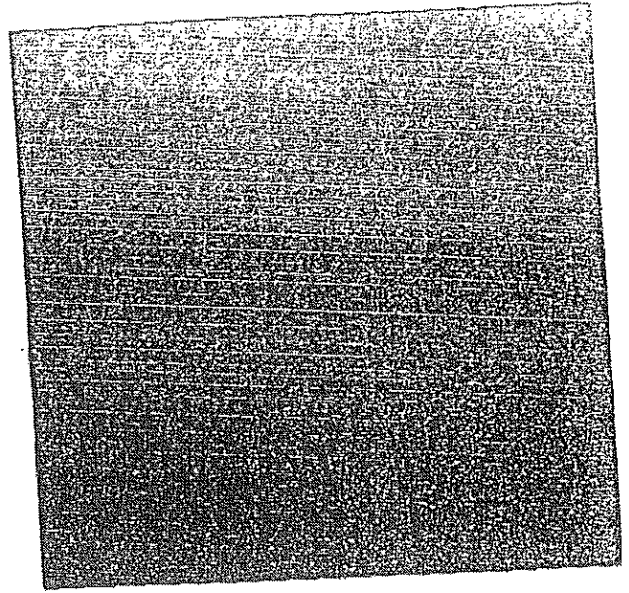
A.) Commonwealth industries currently has two hundred twelve (212) full-time permanent employee at the project site.

B.) This creation of twenty-seven (27) full-time permanent jobs will result in an annual payroll of approximately nine-hundred eighty-two thousand eight hundred

*RRR 1/19/00*  
*Quintillion*  
*9/15 2/1/00*  
*9/23*  
*2/13/00*



**IMCO** RECYCLING INC.  
 May 3, 1999



Thomas D. Robey, Superintendent  
 Claymont City School District  
 115 North 3<sup>rd</sup> Street  
 P.O. Box 111  
 Dennison, Ohio 44621

Dear Tom,

As agreed, the following is the payment schedule under the direct payment compensation plan between IMCO Recycling of Ohio, Inc. and Claymont City School District. The due date of each payment will be August 1 starting from year 2000. And we will send separate payments to Claymont City School District and Buckeye Career Center.

Year	Claymont	Buckeye
2000	7,492	653
2001	14,985	1,305
2002	14,985	1,305
2003	14,985	1,305
2004	14,985	1,305
2005	14,985	1,305
2006	14,985	1,305
2007	14,985	1,305
2008	14,985	1,305
2009	14,985	1,305
2010	7,488	652
<b>Total</b>	<b>149,845</b>	<b>13,050</b>

Address: Claymont City School District  
 115 North 3<sup>rd</sup> Street  
 P.O. Box 111  
 Dennison, Ohio 44621

Buckeye Career Center  
 545 University Drive, NE  
 New Philadelphia,  
 Ohio 44663

**IMCO** RECYCLING INC.

We enjoyed the positive working relationship with Claymont City School District and look forward to building on the relationship that will benefit both the community and the company.

Please sign at the bottom if you agree with the terms in this letter. Please do not hesitate to call me (972)401-7355 if you have any questions.

Very truly yours,

*Teresa Tan*

Teresa Tan

*Thomas D. Robey*  
Thomas D. Robey, Superintendent

Date 5-2-99

### RESOLUTION

The Claymont Board of Education agrees to enter into a direct compensation agreement in lieu of tax payments with IMCO Recycling of Ohio, Inc. as part of a tax abatement agreement. The expansion in the amount of \$1,600,000.00 will be abated at 100% for ten years starting in the first year for which the real and/or personal property would first be taxable were that property not exempt from taxation. No exemption shall begin after December 31, 2004 nor extend beyond December 31, 2013. The Claymont School District has agreed to a direct payment compensation in the amount of \*\$33,000.00 to be divided in the following manner:

Claymont City School District will receive ten annual payments of \$3,000.00 (the sum of all ten payments totaling \*\$30,000.00) on or before the first of September. Beginning in the year 2004.

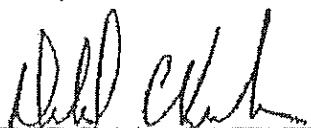
Buckeye Career Center will receive ten annual payments of \$300.00 (the sum of all ten payments totaling \*\$3,000.00) on or before the first of September. Beginning in the year 2004.


Upon approval of this project by the appropriate agencies and IMCO Recycling of Ohio, Inc. the above referenced payment schedule will be put in place.

As a result of this agreement, the Claymont Board of Education waives its right to notification through the State of Ohio enterprise zone process and the Tuscarawas County Enterprise Zone Program.

The Claymont School District has enjoyed a positive working relationship with IMCO Recycling of Ohio, Inc. and looks forward to building on the relationship through a school-business partnership for the benefit of Claymont students and the community.

The Claymont Board of Education approves this agreement on ~~September~~ <sup>October</sup> 20, 2003.

  
\_\_\_\_\_  
Claymont Board of Education President

  
\_\_\_\_\_  
Treasurer

\* = The above compensation amounts are based on IMCO's Draft Enterprise Zone Application and the Board of Education reserves the right to modify these amounts if there is a significant change in Imco's Project investment prior to the actual Enterprise Zone Agreement being executed by both the Mill Township Trustees and the Tuscarawas County Board of Commissioners.

ORIGINAL

OHIO ENTERPRISE ZONE AGREEMENT

This Agreement made and entered into by and between **THE TRUSTEES OF MILL TOWNSHIP, TUSCARAWAS COUNTY, OHIO**, a Township Government organized under the laws of the State of Ohio, with its main office located at 7342 Newport Road S. E., Uhrichsville, Ohio 44683 (hereinafter referred to as "TOWNSHIP"), and **TUSCARAWAS COUNTY, OHIO**, a County Government organized under the laws of the State of Ohio, with its Main Offices located at 125 East High Avenue, New Philadelphia, Ohio 44663 (hereinafter referred to as "COUNTY") and **IMCO RECYCLING OF OHIO, INC.**, a Delaware Corporation with its Main Offices located at 5215 North O'Connor Boulevard, Suite 1500, Irving, Texas 75039 (hereinafter referred to as "IMCO"),

WITNESSETH:

WHEREAS, Mill Township has encouraged the development of real property and the acquisition of personal property located in the area designated as an Enterprise Zone; and

WHEREAS, **IMCO** is desirous of expanding an existing manufacturing facility by constructing a Twelve Thousand sq. ft. (12,000 sq. ft.) addition to their current manufacturing and office facilities at the IMCO Recycling of Ohio, Inc. - Newport Facility, 7335 Newport Road Southeast, Uhrichsville, Ohio 44683 to permit expansion of their production facilities in Ohio (hereinafter referred to as the "PROJECT") within the boundaries of the aforementioned Enterprise Zone, provided that the appropriate incentives are available to support the economic viability of said PROJECT; and

WHEREAS, the Tuscarawas County Board of Commissioners on behalf of Mill Township did certify by Resolution No. 206-98, dated March 23, 1998 that Proposed Zone designated by Mill Township Trustees on March 17, 1998 does meet all the

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9/2/01

requirements of Ohio Revised Code Section 5709.61 including Section (A) (1) (b) and (h) as an "ENTERPRISE ZONE", and

WHEREAS, effective April 22, 1998, the Director of the Department of Development, State of Ohio determined the aforementioned area contains the characteristics set forth in Section 5709.61 (A) (2) including the distress requirements of Section 5709.61 (A) (1) (b) and (h) of the Ohio Revised Code and certified said area as an Enterprise Zone under said Chapter 5709; and

WHEREAS, TOWNSHIP having the appropriate authority for the stated type of project is desirous of providing IMCO with incentives available for the development of the PROJECT in said Enterprise Zone under Chapter 5709 of the Ohio Revised Code; and

WHEREAS, IMCO has submitted a proposed agreement application herein attached as Exhibit A to TOWNSHIP (said application is hereinafter referred to as "Application"); and

WHEREAS, IMCO has remitted the required state application fee of \$750.00 made payable to the Ohio Department of Development with the Application to be forwarded with the final agreement; and

WHEREAS, the Mill Township Trustees have investigated the application of IMCO and determined that IMCO is qualified by financial responsibility and business experience to create and preserve employment opportunities in said Enterprise Zone and improve the economic climate of Mill Township, Tuscarawas County; and

WHEREAS, the PROJECT site as proposed by IMCO is located in the Claymont School District and the Board of Education of the Claymont School District has been notified in accordance with Section 5709.83 and have been given a copy of the Application; and

WHEREAS, the PROJECT site as proposed by IMCO is also located in the Buckeye Career Center School District and the Board of Education of the Buckeye Career Center has been notified in accordance with Section 5709.83 and have been given a copy of the Application; and

WHEREAS, pursuant to Section 5709.63 (A) and in conformance with the format required under Section 5709.631 of the Ohio Revised Code, the parties hereto desire to set forth their agreement with respect to matters hereinafter contained;

NOW THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties herein agree as follows:

1.) IMCO shall construct a Twelve Thousand sq. ft. (12,000 sq. ft.) addition to their current facilities at the IMCO Recycling of Ohio, Inc. - Newport Facility, 7335 Newport Road Southeast, Uhrichsville, Ohio 44683, located in Mill Township, Tuscarawas County, Ohio, to expand its manufacturing and warehousing capacity in the State of Ohio.

A.) In addition, IMCO will purchase and install new machinery and equipment as specified in IMCO's Enterprise Zone Application.

B.) The PROJECT will involve a total investment by IMCO of One Million Three Hundred Sixty Thousand Dollars (\$1,360,000.00) in New Machinery & Equipment and New Inventory and Two Hundred Forty Thousand Dollars (\$240,000.00) in Additions/New Construction and Improvements to existing buildings. For a Total Project Investment by IMCO of One Million Six Hundred Thousand Dollars (\$1,600,000.00).

C.) The PROJECT will begin on or after October 1, 2003, and be completed by June 1, 2004.

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(3/9)



D.) The total investment of this project is greater than 10% of the market value of the facility assets already owned at the site prior to such expenditures as evidenced in Exhibit A.

2.) IMCO Recycling of Ohio, Inc.'s schedule for hiring is as follows: create ten (10) new full-time permanent jobs in the first twelve months after the start of the project.

A.) IMCO currently has one hundred forty-three (143) full-time permanent employees at the project site.

B.) This creation of ten (10) full-time permanent jobs will result in an annual payroll of approximately three hundred thousand dollars (\$300,000.00) once all ten (10) positions have been created.

3.) IMCO will provide to the proper Tax Incentive Review Council any information reasonably required by the Council to evaluate the enterprise's compliance with the agreement, including returns filed.

4.) Mill Township hereby grants a tax exemption pursuant to Section 5709.63 for eligible new tangible personal property acquired in conjunction with the PROJECT, to wit: all machinery & equipment acquired as a part of the PROJECT, and all furniture and fixtures acquired a part of the PROJECT except for those investments which may be exempt by nature (re: exempt = environmentally related equipment); and all inventory acquired as a part of the PROJECT; all according to the following schedule:

<u>Year of Tax Exemption</u>	<u>Tax Exemption Amount</u>
Year #1	100%
Year #2	100%
Year #3	100%
Year #4	100%
Year #5	100%
Year #6	100%
Year #7	100%
Year #8	100%
Year #9	100%
Year #10	100%

4/2

Each identified project will receive a ten (10) year exemption period. The exemption commences the first year for which the tangible personal property would first be taxable were that property not exempted from taxation. No exemption shall commence after December 31, 2004 nor extend beyond December 31, 2013, except however, as to inventory, wherein said exemption shall apply in each scheduled year of tax exemption to that amount or value which is in excess of the baseline inventory set forth at paragraph 13 (b) of the application.

5.) Mill Township hereby grants a tax exemption pursuant to Section 5709.63 for eligible new real property or real property improvements acquired in conjunction with the PROJECT except for those investments which are exempt by nature (re: exempt = Landscaping, Lighting & Wiring, etc...), according to the following schedule:

<u>Year of Tax Exemption</u>	<u>Tax Exemption Amount</u>
Year #1	100%
Year #2	100%
Year #3	100%
Year #4	100%
Year #5	100%
Year #6	100%
Year #7	100%
Year #8	100%
Year #9	100%
Year #10	100%

Each identified project will receive a ten (10) year exemption period. The exemption commences the first year for which the real property would first be taxable were that property not exempted from taxation. No exemption shall commence after December 31, 2004 nor extend beyond December 31, 2013.

6.) IMCO shall pay an annual fee of One Hundred Dollars (\$100.00) on or before February 28 of each calendar year during the effective term of this agreement. The fee shall be made payable to the Tuscarawas County Treasurer (Fee shall be

*See 2011/12/15/16*

mailed to the Tuscarawas County Office of Community & Economic Development, 125 East High Avenue, Room 212, New Philadelphia, Ohio 44663) and shall be deposited into a special fund created for such purposes and shall be used exclusively for the purpose of complying with Section 5709.68 of the Ohio Revised Code and by the tax incentive review council created under Section 5709.85 of the Ohio Revised Code exclusively for the purpose of performing the duties prescribed under the section.

7.) IMCO shall pay such real and tangible personal property taxes as are not exempted under this agreement and are charged against such property and shall file all tax reports and returns as required by law. (DTE 23) with the Tuscarawas County Auditor and Form #913EX with the State Department of Taxation to effect and maintain the exemption covered in this agreement. The Form #913EX Ohio Tax Form must be filed annually.

8.) Mill Township shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

9.) If for any reason the Enterprise Zone designation expires, the Director of the Ohio Department of Development revokes certification of the zone, or Mill Township revokes the designation of the zone, entitlements granted under this agreement shall continue for the number of years specified under this agreement, unless IMCO materially fails to fulfill its obligations under this agreement and Mill Township terminates or modifies the exemptions from taxation granted under this agreement.

10.) If IMCO materially fails to fulfill its obligations under this agreement, or if the TOWNSHIP or the COUNTY determines that the certification as to delinquent taxes

required by this agreement is fraudulent, the TOWNSHIP or the COUNTY may terminate or modify the exemptions from taxation granted under this agreement.

11.) IMCO hereby certifies that at the time this agreement is executed, IMCO does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which IMCO is liable under Chapter 5733, 5735, 5739, 5741, 5743, 5747, or 5753 of the Ohio Revised Code, or if such delinquent taxes are owed, IMCO currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U. S. C. A. 101, et seq. or such a petition has been filed against IMCO. For the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the Chapter of the Ohio Revised Code governing payment of those taxes.

12.) IMCO affirmatively covenants that it does not owe: (1) any delinquent taxes to the State of Ohio or a political subdivision of the State; (2) any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State; and (3) any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.

13.) IMCO and TOWNSHIP acknowledge that this agreement must be approved by formal action of the legislative authority of Tuscarawas County as a condition for the agreement to take effect. This agreement takes effect upon such approval.

14.) Mill Township has developed a policy to ensure that recipients of Enterprise Zone tax benefits practice nondiscriminating hiring in its operations. By executing this agreement, IMCO is committing to following nondiscriminating hiring practices

acknowledging that no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, or ancestry.

15.) Exemptions from taxation granted under this agreement shall be revoked if it is determined that IMCO, any successor enterprise, or any related member (as those terms are defined in Section 5709.61 of the Ohio Revised Code) has violated the prohibition against entering into this agreement under Division (E) of Section 3735.671 or Section 5709.63 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections.

16.) IMCO and TOWNSHIP acknowledge that this agreement has been executed subject to a compensation agreement between IMCO Inc. and the Claymont School District. The Compensation Agreement must be approved by formal action of the legislative authority of the Claymont School District as a condition for the agreement to take effect. This agreement takes effect upon such approval. Any failure of IMCO to abide by the Compensation Agreement with the Claymont School District will be cause for subsequent review and possible termination of this Enterprise Zone Agreement by either or both the TOWNSHIP or the COUNTY.

17.) IMCO affirmatively covenants that it has made no false statements to the State or local political subdivision in the process of obtaining approval for the Enterprise Zone incentives. If any representative of IMCO has knowingly made a false statement to the State or local political subdivision to obtain the Enterprise Zone incentives, IMCO shall be required to immediately return all benefits received under the Enterprise Zone Agreement pursuant to ORC Section 9.66 (C)(2) and shall be ineligible for any future economic development assistance from the State, any state agency or political subdivision pursuant to ORC Section 9.66(C)(1). Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree, pursuant to ORC 2921.13 (D)(1), which is punishable

See Exhibit (B/C)

by a fine of not more than \$1,000.00 and/or a term of imprisonment of not more than six months.

18.) This agreement is not transferable or assignable without the express written approval of TOWNSHIP and Tuscarawas COUNTY.

Dated this 4<sup>th</sup> day of September, 2003.  
30<sup>th</sup> October

MILL TOWNSHIP TRUSTEES:

By: Chris A. Abtull

By: Margie Riggs

By: [Signature]

TUSCARAWAS COUNTY:

BY: James Schenck

BY: [Signature]

BY: Kerry Metzger

IMCO RECYCLING OF OHIO, INC.

BY: Robert R. Holman

VICE PRESIDENT & SECRETARY

ORIGINAL

OHIO ENTERPRISE ZONE AGREEMENT

This Agreement made and entered into by and between **THE TRUSTEES OF MILL TOWNSHIP, TUSCARAWAS COUNTY, OHIO**, a Township Government organized under the laws of the State of Ohio, with its main office located at 104 North Water Street, P. O. Box 423, Uhrichsville, Ohio 44683 (hereinafter referred to as "Township"), and **TUSCARAWAS COUNTY, OHIO**, a County Government organized under the laws of the State of Ohio, with its Main Offices located at 125 East High Avenue, New Philadelphia, Ohio 44663 (hereinafter referred to as "County") and **IMCO RECYCLING OF OHIO, INC.**, a Delaware Corporation with its Main Offices located at 5215 North O'Connor Boulevard, Suite 940, Irving, Texas 75039 (hereinafter referred to as "Imco"),

WITNESSETH:

WHEREAS, Mill Township has encouraged the development of real property and the acquisition of personal property located in the area designated as an Enterprise Zone; and

WHEREAS, Imco is desirous of expanding an existing manufacturing facility by constructing a Forty-two Thousand Nine Hundred Eighty-two sq. ft. (42,982 sq. ft.) addition to their current manufacturing and office facilities at the Imco Recycling of Ohio, Inc. - Newport Facility, 7335 Newport Road Southeast, Uhrichsville, Ohio 44683 to permit expansion of their production facilities in Ohio (hereinafter referred to as the "PROJECT") within the boundaries of the aforementioned Enterprise Zone, provided

*9/11/02* *12/2/02*  
*505-7111*  
*015-7*

that the appropriate incentives are available to support the economic viability of said PROJECT; and

WHEREAS, the Tuscarawas County Board of Commissioners on behalf of Mill Township did certify by Resolution No. 206-98, dated March 23, 1998 that Proposed Zone designated by Mill Township Trustees on March 17, 1998 does meet all the requirements of Ohio Revised Code Section 5709.61 including Section (A) (1) (b) and (h) as an "Enterprise Zone", and

WHEREAS, effective April 22, 1998, the Director of the Department of Development, State of Ohio determined the aforementioned area contains the characteristics set forth in Section 5709.61 (A) (2) including the distress requirements of Section 5709.61 (A) (1) (b) and (h) of the Ohio Revised Code and certified said area as an Enterprise Zone under said Chapter 5709; and

WHEREAS, Township having the appropriate authority for the stated type of project is desirous of providing Imco with incentives available for the development of the PROJECT in said Enterprise Zone under Chapter 5709 of the Ohio Revised Code; and

WHEREAS, Imco has submitted a proposed agreement application herein attached as Exhibit A to Township (said application is hereinafter referred to as "Application"); and

WHEREAS, Imco has remitted the required state application fee of \$500.00 made payable to the Ohio Department of Development with the Application to be forwarded with the final agreement; and

WHEREAS, the Mill Township Trustees have investigated the application of Imco and determined that Imco is qualified by financial responsibility and business

SON 2/11/99

(2/11)



experience to create and preserve employment opportunities in said Enterprise Zone and improve the economic climate of Mill Township, Tuscarawas County; and

WHEREAS, the PROJECT site as proposed by Imco is located in the Claymont School District and the Board of Education of the Claymont School District has been notified in accordance with Section 5709.83 and have been given a copy of the Application; and

WHEREAS, the PROJECT site as proposed by Imco is also located in the Buckeye Career Center School District and the Board of Education of the Buckeye Career Center has been notified in accordance with Section 5709.83 and have been given a copy of the Application; and

WHEREAS, pursuant to Section 5709.63 (A) and in conformance with the format required under Section 5709.631 of the Ohio Revised Code, the parties hereto desire to set forth their agreement with respect to matters hereinafter contained;

NOW THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties herein agree as follows:

1.) Imco shall construct a Forty-two Thousand Nine Hundred Eighty-two sq. ft. (42,982 sq. ft.) addition to their current facilities at the Imco Recycling of Ohio, Inc. - Newport Facility, 7335 Newport Road Southeast, Uhrichsville, Ohio 44683, located in Mill Township, Tuscarawas County, Ohio, to expand its manufacturing and warehousing capacity in the State of Ohio.

A.) In addition, Imco will purchase and install new machinery and equipment as specified in Imco's Enterprise Zone Application.

6/22/11

(3/11)

B.) The PROJECT will involve a total investment by Imco of Five Million Two Hundred Twenty-eight Thousand Nine Hundred Twenty Dollars (\$5,228,920.00) in New Machinery & Equipment of which Eight Hundred Three Thousand Six Hundred Ninety Dollars (\$803,690.00) is exempt due to its environmentally related nature, Thirty-six Thousand Dollars (\$36,000.00) in New Inventory and Three Million Two Hundred Fifty-one Thousand Eighty Dollars (\$3,251,080.00) in Additions/New Construction and Improvements to existing buildings of which One Million Fifty Thousand One Hundred Fifty-six Dollars (\$1,050,156.00) are not taxable by the nature of the Improvement. For a Total Project Investment by Imco of Eight Million Five Hundred Sixteen Thousand Dollars (\$8,516,000.00).

C.) The PROJECT will begin on or after April 1, 1999, and be completed by April 1, 2001.

D.) The total investment of this project is greater than 10% of the market value of the facility assets already owned at the site prior to such expenditures as evidenced in Exhibit A.

2.) Imco Recycling of Ohio, Inc.'s schedule for hiring is as follows: create ten (10) new full-time permanent jobs in the first nine months after the start of the project and nine (9) additional new full-time permanent jobs in the next 12 months for a total of nineteen (19) full-time permanent jobs within 21 months of the beginning of the project.

A.) Imco currently has two hundred ten (210) full-time permanent employees at the project site.

B.) This creation of nineteen (19) full-time permanent jobs will result in an

annual payroll of approximately four hundred eighty thousand dollars (\$480,000.00) once all nineteen (19) positions have been created.

3.) Imco will provide to the proper Tax Incentive Review Council any information reasonably required by the Council to evaluate the enterprise's compliance with the agreement, including returns filed.

4.) Mill Township hereby grants a tax exemption pursuant to Section 5709.63 for eligible new tangible personal property acquired in conjunction with the PROJECT, to wit: all machinery & equipment acquired as a part of the PROJECT, and all furniture and fixtures acquired a part of the PROJECT except for those investments described as exempt above (re: exempt = environmentally related equipment approximately \$803,690.00, non-exempt or taxable = approximately \$4,425,230.00); and all inventory acquired as a part of the PROJECT; all according to the following schedule:

<u>Year of Tax Exemption</u>	<u>Tax Exemption Amount</u>
Year #1	100%
Year #2	100%
Year #3	100%
Year #4	100%
Year #5	100%
Year #6	100%
Year #7	100%
Year #8	100%
Year #9	100%
Year #10	100%

Each identified project will receive a ten (10) year exemption period. The exemption commences the first year for which the tangible personal property would first be taxable were that property not exempted from taxation. No exemption shall commence after December 31, 2000 nor extend beyond December 31, 2010, except however, as to

2010 10/1/10  
(5/1)

inventory, wherein said exemption shall apply in each scheduled year of tax exemption to that amount or value which is in excess of the baseline inventory set forth at paragraph 13 (b) of the application.

5.) Mill Township hereby grants a tax exemption pursuant to Section 5709.63 for eligible new real property or real property improvements acquired in conjunction with the PROJECT except for those investments which are exempt by nature as described above (re: exempt = Landscaping, Lighting & Wiring, etc... approximately \$1,050,156.00, non-exempt or taxable = \$2,200,924.00) , according to the following schedule:

<u>Year of Tax Exemption</u>	<u>Tax Exemption Amount</u>
Year #1	100%
Year #2	100%
Year #3	100%
Year #4	100%
Year #5	100%
Year #6	100%
Year #7	100%
Year #8	100%
Year #9	100%
Year #10	100%

Each identified project will receive a ten (10) year exemption period. The exemption commences the first year for which the real property would first be taxable were that property not exempted from taxation. No exemption shall commence after December 31, 2000 nor extend beyond December 31, 2010.

6.) Imco shall pay an annual fee of One Hundred Dollars (\$100.00) on or before February 28 of each calendar year during the effective term of this agreement. The fee shall be made payable to the Tuscarawas County Treasurer (Fee shall be mailed to the

*see 2/16/07  
(6/11)*

Tuscarawas County Office of Community & Economic Development, 125 East High Avenue, Room 212, New Philadelphia, Ohio 44663) and shall be deposited into a special fund created for such purposes and shall be used exclusively for the purpose of complying with Section 5709.68 of the Ohio Revised Code and by the tax incentive review council created under Section 5709.85 of the Ohio Revised Code exclusively for the purpose of performing the duties prescribed under the section.

7.) Imco shall pay such real and tangible personal property taxes as are not exempted under this agreement and are charged against such property and shall file all tax reports and returns as required by law. (DTE 23) with the Tuscarawas County Auditor and Form #913EX with the State Department of Taxation to effect and maintain the exemption covered in this agreement. The Form #913EX Ohio Tax Form must be filed annually.

8.) Mill Township shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

9.) If for any reason the Enterprise Zone designation expires, the Director of the Ohio Department of Development revokes certification of the zone, or Mill Township revokes the designation of the zone, entitlements granted under this agreement shall continue for the number of years specified under this agreement, unless Imco materially fails to fulfill its obligations under this agreement and Mill Township terminates or modifies the exemptions from taxation granted under this agreement.

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10.) If Imco materially fails to fulfill its obligations under this agreement, or if the Township or the County, determines that the certification as to delinquent taxes required by this agreement is fraudulent, the Township or the County may terminate or modify the exemptions from taxation granted under this agreement.

11.) Imco hereby certifies that at the time this agreement is executed, Imco does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which Imco is liable under Chapter 5733, 5735, 5739, 5741, 5743, 5747, or 5753 of the Ohio Revised Code, or if such delinquent taxes are owed, Imco currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U. S. C. A. 101, et seq. or such a petition has been filed against Imco. For the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the Chapter of the Ohio Revised Code governing payment of those taxes.

12.) Imco affirmatively covenants that it does not owe: (1) any delinquent taxes to the State of Ohio or a political subdivision of the State; (2) any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State; and (3) any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not

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13.) Imco and Township acknowledge that this agreement must be approved by formal action of the legislative authority of Tuscarawas County as a condition for the agreement to take effect. This agreement takes effect upon such approval.

14.) Mill Township has developed a policy to ensure that recipients of Enterprise Zone tax benefits practice nondiscriminating hiring in its operations. By executing this agreement, Imco is committing to following nondiscriminating hiring practices acknowledging that no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, or ancestry.

15.) Exemptions from taxation granted under this agreement shall be revoked if it is determined that Imco, any successor enterprise, or any related member (as those terms are defined in Section 5709.61 of the Ohio Revised Code) has violated the prohibition against entering into this agreement under Division (E) of Section 3735.671 or Section 5709.63 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections.

16.) Imco and Township acknowledge that this agreement has been executed subject to a compensation agreement between Imco Inc. and the Claymont School District. The Compensation Agreement must be approved by formal action of the legislative authority of the Claymont School District as a condition for the agreement to take effect. This agreement takes effect upon such approval. Any failure of Imco to abide by the Compensation Agreement with the Claymont School District will be cause for subsequent review and possible termination of this Enterprise Zone Agreement by either or both the Township or the County.

*Handwritten:*  
Suzanne  
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17.) Imco affirmatively covenants that it has made no false statements to the State or local political subdivision in the process of obtaining approval for the Enterprise Zone incentives. If any representative of Imco has knowingly made a false statement to the State or local political subdivision to obtain the Enterprise Zone incentives, Imco shall be required to immediately return all benefits received under the Enterprise Zone Agreement pursuant to ORC Section 9.66 (C)(2) and shall be ineligible for any future economic development assistance from the State, any state agency or political subdivision pursuant to ORC Section 9.66(C)(1). Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree, pursuant to ORC 2921.13 (D)(1), which is punishable by a fine of not more than \$1,000.00 and/or a term of imprisonment of not more than six months.

18.) This agreement is not transferable or assignable without the express written approval of Township and Tuscarawas County.

Dated this 4th day of March, 1999.

MILL TOWNSHIP TRUSTEES:

By: Margie C. Riggs

By: Chris R. Abbott

By: Melvin Baizevich



TUSCARAWAS COUNTY:

BY: Stephen H. Smith

BY: [Signature]

BY: Varrell L. Pender

IMCO RECYCLING OF OHIO, INC.

BY: Denis W. Ray 2/25/99

Denis W. Ray, President, IMCO Recycling of Ohio, Inc.

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